

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**DUJON MANLEY,**

**Plaintiff,**

**-v-**

**1:16-CV-796 (NAM/CFH)**

**CHAMPLAIN STONE, LTD.; JOHN DOE #1;  
JOHN DOE #2; JANE DOE #1; JANE DOE #2,**

**Defendants.**

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**APPEARANCES:**

DUJON MANLEY  
c/o Elizabeth Manley  
49 Safford Road  
Argyle, New York 12809  
Plaintiff, *pro se*

**Hon. Norman A. Mordue, Senior U.S. District Judge:**

**MEMORANDUM-DECISION AND ORDER**

United States Magistrate Judge Christian F. Hummell has issued a Report and Recommendation (Dkt. No. 14) recommending that plaintiff's amended complaint (Dkt. No. 9) be dismissed with prejudice. Plaintiff has not submitted an objection. Where, as here, there is no objection to a Report and Recommendation, the Court reviews for clear error. *See, e.g., Lin v. City of N.Y.*, 2016 WL 6962536, at \*3 (S.D.N.Y. Nov. 28, 2016). The Court has reviewed the record, particularly the amended complaint, and finds no error. The Court agrees with Magistrate Judge Hummel's discussion of *Juarez v. Northwestern Mut. Life Ins. Co.*, 69 F. Supp. 3d 364, 373 (S.D.N.Y. 2014), notably the distinction he draws between the claim of the plaintiff in *Juarez*, where the plaintiff alleges he was legally authorized to work in the United States, and the federal claim in the instant case, where plaintiff makes no such allegation, but rather alleges he was fired

because his visa does not allow him to work in the United States. Plaintiff's federal claims are dismissed with prejudice. The Court declines to exercise supplemental jurisdiction over plaintiff's state law claims, and dismisses them without prejudice to refiling in state court.

It is therefore

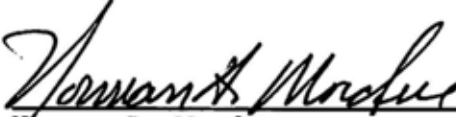
ORDERED that the Report and Recommendation (Dkt. No. 14) is accepted; and it is further

ORDERED that all federal claims in the amended complaint (Dkt. No. 9) are dismissed with prejudice, and the state law claims are dismissed without prejudice to refiling in state court; and it is further

ORDERED that the Clerk of the Court is directed to serve this Memorandum-Dcision and Order by regular mail to Dujon Manley, 206-471-587, Buffalo Federal Detention Facility, 420 Federal Drive, Batavia, New York 14020; and by regular mail and certified mail, return receipt requested, to Dujon Manley, c/o Elizabeth Manley, 49 Safford Road, Argyle, New York 12809.

IT IS SO ORDERED.

Date: August 9, 2017  
Syracuse, New York

  
Norman A. Mordue  
Senior U.S. District Judge